

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

**In re: JAMES DAVID SANDERS
MELISSA ANNE SANDERS**

Case No.: 23-40973-can-13

Debtors

AMENDED MOTION TO DENY CONFIRMATION OF PLAN

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #2), filed on or about July 19, 2023. In support thereof, the trustee states that the issues related to the proposed plan include:

1. 11 U.S.C. Section 1322(d):

The plan as proposed runs 70 months based on currently available information.

2. 11 U.S.C. Section 1325(a)(4):

a. Please provide documentation to support the value of \$167,357 listed on Schedule A/B for the real property at 504 N College Street. This asset may be undervalued. If the debtors do not provide documentation to support the value listed, the trustee may have an appraisal conducted to ensure that the plan complies with 11 U.S.C. §1325(a)(4).

b. It appears there is non-exempt equity of \$131,709. The equity comes from a 2016 Mitsubishi (\$975), household goods (\$3,500), jewelry (\$1,500), cash (\$20), a bank account (\$714), and a life insurance policy (\$125,000). There is a pending Objection to Exemptions. The proposed plan will pay less to the non-priority unsecured creditors than if the estate were liquidated under Chapter 7.

3. 11 U.S.C. Section 1325(a)(4) - Perfection Issues:

The trustee requests a copy of the recorded deed of trust for the mortgage scheduled with Mr. Cooper on 504 N College Street. The deed of trust provided does not appear to be a recorded copy. The trustee cannot determine whether the plan complies with 11 U.S.C. §1325(a)(4) until perfection of the creditor's security interest is verified.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

August 17, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
2345 Grand Blvd., Ste. 1200
Kansas City, MO 64108-2663
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NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.

Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail. If any party is served by United States First Class Mail a certificate of service will be filed thereafter:

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

RB /Motion - Deny Confirmation